

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

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|---------------------------|---|--------------------------------|
| SHELDON GREEN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | Case No. 2:21-cv-02518-JPM-tmp |
| v. |) | |
| |) | |
| FEDEX SUPPLY CHAIN, INC., |) | |
| |) | |
| Defendant. |) | |
| |) | |
| |) | |

**ORDER ADOPTING REPORT AND RECOMMENDATION AND DENYING
MOTION TO STRIKE AFFIRMATIVE DEFENSE**

Before the Court is the Report and Recommendation filed by United States Chief Magistrate Judge Tu M. Pham on June 29, 2022 (ECF No. 91) with respect to *pro se* Plaintiff Sheldon Green’s Motion to Strike Affirmative Defense (ECF No. 61). The Magistrate Judge submits that Plaintiff’s Motion should be denied. (ECF No. 91 at PageID 369.) For the reasons discussed below, the Court **ADOPTS** the Magistrate Judge’s Report and Recommendation in its entirety.

I. PROCEDURAL BACKGROUND

Plaintiff filed this action in Tennessee state court on July 2, 2021 (ECF No. 1 at PageID 7–8), and Defendant removed the case to this Court on August 11, 2021 (*id.* at PageID 3–5). Plaintiff filed an Amended Complaint on August 13, 2021, alleging “religious discrimination, unlawful termination, defamation of character, and libel” against Defendant. (ECF No. 8.) Defendant filed an Amended Answer to First Amended Complaint on October 1, 2021. (ECF

No. 20.) On April 20, 2022, Plaintiff filed a Motion to Strike Affirmative Defense as to Defendant's Amended Answer to First Amended Complaint. (ECF No. 61.) On April 26, 2022, Defendant filed a Response to Plaintiff's Motion to Strike Affirmative Defense. (ECF No. 63.) The Magistrate Judge's Report and Recommendation on the Motion to Strike Affirmative Defense was filed on June 29, 2022. (ECF No. 91.) Objections to the Report and Recommendation were due by July 13, 2022, and no objections were filed.

II. LEGAL STANDARD

"Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). "When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Fed. R. Civ. P. 72(b) advisory committee note.

III. ANALYSIS

Because no objections were filed, the Court reviews the Report and Recommendation for clear error. Fed. R. Civ. P. 72(b)(3). Upon full review of the Magistrate Judge's Report and Recommendation, the Court has not identified any clear error and concurs with the Magistrate Judge's findings. The Report and Recommendation is, therefore, **ADOPTED** in full. Sheldon Green's Motion to Strike Affirmative Defense is **DENIED**.

SO ORDERED, this 19th day of July, 2022.

/s/ Jon P. McCalla

JON P. McCALLA
UNITED STATES DISTRICT JUDGE